IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

APPEAL NO. 563 OF 2004
IN
NOTICE OF MOTION NO. 1545 OF 2004
IN
SUIT NO.1545 OF 2004

1. The Jainhind Oil Mills Co. & ors. Appellants
vs.
Chitram Properties and Investments
Private Limited Respondents

Mr.J.J. Bhatt with Ms.A. Ghone i/b. M/s.Kanga & Co.
for the appellants.

Mr.Virag Tulzapurkar with Ms.Neeta Rajda i/b. DSR
Associates.

CORAM : R.M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 28th September 2004

P.C.

Having heard the learned senior counsel for the appellants and the counsel for the respondents and upon perusal of the impugned order, we are of the view that instead of sending the matter back to the learned motion Judge for reconsideration of the matter for ad-interim relief, it would be in the interest of justice if the notice of motion is itself heard and decided by the learned motion Judge expeditiously.

2. The learned senior counsel for the appellants submitted that further affidavit in reply on behalf of the defendants shall be filed within two weeks from

today.

3. In view thereof, we dispose of this appeal by the following order:

(i) The defendants shall file further reply affidavit in opposition to the notice of motion within two weeks from today. It would be open to the plaintiffs to file rejoinder affidavit within two weeks therefrom.

(ii) We request the learned motion Judge to hear and decide the notice of motion finally as expeditiously as possible and preferably within six weeks from the date of the filing of rejoinder affidavit by the plaintiffs.

(iii) We observe that if for any reason the learned motion Judge is not able to hear and decide the notice of motion within 10 weeks from today, the defendants shall be at liberty to apply to the learned motion Judge for reconsideration of the ad-interim order.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)